

# **EXHIBIT 1**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION MDL No. 2804  
OPIATE LITIGATION

Case No.  
17-md-2804

Judge Dan Aaron  
Polster

This Document Relates To:  
City of Rochester v. Purdue  
Pharma, L.P.  
No. 19-op-45853 (Track 12)  
County of Webb, Texas v.  
Purdue Pharma, L.P.  
No. 18-op-45175 (Track 15)

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Remote Status Conference Call Before  
Special Master David Cohen

September 17, 2024  
11:00 a.m.

Renee L. Pellegrino, RPR

<p style="text-align: right;">Page 2</p> <p>1 REMOTE APPEARANCES:</p> <p>2</p> <p>3 Patrick King, Esq.,</p> <p>4 Paul T. Farrell, Jr., Esq.</p> <p>5 Peter H. Weinberger, Esq.</p> <p>6 Elizabeth Miller, Esq.</p> <p>7 Sage R. Vanden Heuvel, Esq.</p> <p>8 David Ackerman, Esq.</p> <p>9 Bradley M. Smyer, Esq.</p> <p>10 Salvatore Badala, Esq.</p> <p>11 Peter Mougey, Esq.</p> <p>12 Laura Fitzpatrick, Esq.</p> <p>13 Michael Elsner, Esq.</p> <p>14 Olga Vieira, Esq.</p> <p>15 Emily McGowan, Esq.</p> <p>16 Elizabeth Miller, Esq.</p> <p>17</p> <p>18 (Several participants not listed)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 Defendants.</p> <p>2 Before we jump into interrogatory</p> <p>3 30, I wanted to clarify two things on</p> <p>4 interrogatories 27 and 29 because at 5:10 last</p> <p>5 night David Ackerman sent an e-mail to you and</p> <p>6 the rest of us saying that the City would</p> <p>7 supplement their interrogatories 27 and 29 by</p> <p>8 or around October 18th, so we would like to</p> <p>9 accept that supplementation prior to the issue</p> <p>10 of your ruling on those.</p> <p>11 SPECIAL MASTER COHEN: Anything</p> <p>12 that happened before the ruling holds.</p> <p>13 MS. MILLER: Okay. So we can</p> <p>14 confirm then that they will supplement per</p> <p>15 David's e-mail at 5:10 p.m. yesterday as to</p> <p>16 interrogatories 27 and 29?</p> <p>17 MR. ACKERMAN: Special Master</p> <p>18 Cohen, this is David Ackerman. Let me just</p> <p>19 confirm something because we'll do the</p> <p>20 supplement, but given your ruling, I would</p> <p>21 assume that we won't be back in front of you</p> <p>22 claiming that our supplement was somehow</p> <p>23 improper or incomplete or something like that,</p> <p>24 right?</p> <p>25 SPECIAL MASTER COHEN: Correct. I</p>
<p style="text-align: right;">Page 3</p> <p>1 SPECIAL MASTER COHEN: Good</p> <p>2 morning. So we're here today to address items</p> <p>3 on the discovery agenda that Josh published, I</p> <p>4 guess it was, yesterday, and it looks like</p> <p>5 there are three new issues in the restoral</p> <p>6 designated as placeholders.</p> <p>7 I issued a partial ruling last</p> <p>8 night via e-mail on agenda item number 390,</p> <p>9 which had to do with the City of Rochester's</p> <p>10 discovery deficiencies, alleged discovery</p> <p>11 deficiencies. And I think there were five</p> <p>12 interrogatories that needed ruling, and I</p> <p>13 ruled on four of them. And the one that I</p> <p>14 said that I would hear argument on had to do</p> <p>15 with interrogatory no. 30. And it seemed to</p> <p>16 me that, from what I could tell, this wasn't a</p> <p>17 matter of Plaintiffs allegedly not responding</p> <p>18 at all but responding in a way that Defendants</p> <p>19 weren't sure was complete. So let's start</p> <p>20 with that, and if, I guess, the Defendants can</p> <p>21 explain to me what it is that they're asking</p> <p>22 for here with regard to interrogatory 30.</p> <p>23 MS. MILLER: Yes. Good morning,</p> <p>24 Special Master Cohen. This is Elizabeth</p> <p>25 Miller from ESI on behalf of the PBM</p>	<p style="text-align: right;">Page 5</p> <p>1 would not anticipate that that would occur.</p> <p>2 MR. ACKERMAN: Okay.</p> <p>3 MS. MILLER: Yes, we certainly</p> <p>4 hope that their supplementation will answer</p> <p>5 the interrogatory and that we don't need to</p> <p>6 raise this with you further.</p> <p>7 MR. WEINBERGER: Wait a minute.</p> <p>8 That's not how we concluded this. So let's</p> <p>9 not, you know, try to put -- that's not what</p> <p>10 we just heard.</p> <p>11 MS. MILLER: You're supplementing</p> <p>12 by October 18th, so certainly if your response</p> <p>13 answers the interrogatory, then there's no</p> <p>14 need to come back before you, but as I sit</p> <p>15 here today, I can't promise that there will be</p> <p>16 no issues because I assume that you haven't</p> <p>17 drafted the interrogatory to send to us for</p> <p>18 our review, so I'm not going to waive my</p> <p>19 rights right now to raise any issues in the</p> <p>20 future.</p> <p>21 MR. ACKERMAN: You have no rights</p> <p>22 to waive because the Special Master ruled that</p> <p>23 you weren't entitled to any relief on those</p> <p>24 interrogatories.</p> <p>25 SPECIAL MASTER COHEN: This is</p>

<p style="text-align: right;">Page 6</p> <p>1 silly. The Plaintiffs said that they would  2 supplement. Plaintiffs need to supplement  3 with whatever it is they determined they would  4 supplement with. My ruling otherwise stands.  5 You won't be coming back.  6 MS. MILLER: Okay.  7 SPECIAL MASTER COHEN: Let's move  8 on.  9 MS. MILLER: Thank you.  10 For interrogatory number 30, yes,  11 as to your summary, the Plaintiffs' response  12 remains deficient. They cited to a number of  13 documents that do not respond to the  14 interrogatory. For instance, there's a  15 congratulatory e-mail with the ATF. There are  16 cover e-mails with attachments that are  17 totally non-responsive. We are looking for  18 them to identify the communications where they  19 sought assistance from these various entities,  20 not for any communications at all that are  21 unrelated to prescription opioids in the city  22 and their need for assistance with the alleged  23 epidemic.  24 This is plainly relevant to our  25 affirmative defenses. If the city did not</p>	<p style="text-align: right;">Page 8</p> <p>1 agencies -- I'm just trying to cut to the  2 chase here -- that refer or relate to claimed  3 suspicious orders or suspicious opioid  4 prescriptions, diversion, improper or  5 excessive dispensing, improper prescribing,  6 unlawful sale, or other suspected wrongdoing  7 relating to prescription opioids or the  8 possession, use, illegal sale or addiction to  9 other opioids. That very broad request for  10 production, which we are producing documents  11 in response to, covers almost exactly this  12 interrogatory.  13 The second point I'd make, and I  14 just want to make sure it's clear here, is  15 that Defendants can claim some sort of duty to  16 mitigate argument, but I think there are a  17 number of legal doctrines that prevent a party  18 from challenging what is essentially a police  19 power of a municipality. You can't go out and  20 -- no entity, whether a plaintiff or  21 defendant, can go out and say that a  22 municipality should have prosecuted someone or  23 should have, you know, put police forces here  24 instead of there. Those are the types of  25 decisions that are very clearly discretionary</p>
<p style="text-align: right;">Page 7</p> <p>1 take any steps to mitigate their alleged  2 damages, if they did not raise concerns with  3 the alleged opioid epidemic in their city such  4 that they wanted assistance from the federal  5 government or from the state government, then  6 that undercuts their claims on the severity of  7 the crisis and the supposed impact of that  8 from the PBM Defendants.  9 MR. ACKERMAN: May I respond,  10 Special Master?  11 SPECIAL MASTER COHEN: Go ahead.  12 MR. ACKERMAN: Two points.  13 Number one, you asked for the  14 request for production that were duplicative  15 of this interrogatory in your e-mail  16 yesterday. Our view is that this is more or  17 less a request for production that is framed  18 in the form of an interrogatory.  19 If you look at their request for  20 production number 5, it says, "All documents  21 constituting or relating to any communications  22 between you and any federal, state or local  23 official or agency, including, but not limited  24 to," a long list of agencies, including the  25 DEA, state boards, a number of other types of</p>	<p style="text-align: right;">Page 9</p> <p>1 and cannot form the basis of any defense.  2 SPECIAL MASTER COHEN: So here's  3 what I'm trying to figure out. Interrogatory  4 no. 30 seems to me to be essentially saying,  5 okay, we've asked for all kinds of documents,  6 as you just noted in the request for  7 production that you just quoted. I'm sure  8 there are other requests for production that  9 also encompass the kinds of documents that are  10 being asked about in interrogatory no. 30.  11 Interrogatory no. 30 seems to me to be saying,  12 okay, we've asked you to produce these  13 documents, now tell us which documents are the  14 ones you produced; that is, identify the ones  15 that are these, the ones that are requests for  16 assistance from these four categories. And I  17 guess I'm trying to understand the extent to  18 which -- and this is kind of how you guys are  19 playing the game, the extent to which you are  20 in agreement that it's okay to say here's the  21 request for production, now tell us which  22 documents fall into which category, which  23 Bates numbers fall under which request,  24 because that's what seems to me is happening  25 here, especially if you're still producing</p>

<p style="text-align: right;">Page 10</p> <p>1 documents.</p> <p>2 MR. ACKERMAN: Which we are, and</p> <p>3 we, of course, will supplement, but we have an</p> <p>4 answer that's consistent with Federal Rule</p> <p>5 33(d), where we've identified Bates numbers.</p> <p>6 In order to identify which documents seek</p> <p>7 assistance, the burden is just as easy on them</p> <p>8 as for us to take all of the communications</p> <p>9 with the DEA and go through them one by one to</p> <p>10 figure out which ones are seeking assistance.</p> <p>11 MS. MILLER: Well, if I may, we,</p> <p>12 at this juncture, don't have confidence that</p> <p>13 the cited documents will, in fact, respond to</p> <p>14 our interrogatory because the ones that</p> <p>15 they've cited thus far have not been</p> <p>16 responsive, so although we're hearing for the</p> <p>17 first time on this conference that the RFP 5</p> <p>18 is the one that these are contending in part</p> <p>19 is duplicative, they have not communicated</p> <p>20 that fact to us in the meet and confer and</p> <p>21 they're asking us to fish through their</p> <p>22 productions, and then when we do do that work,</p> <p>23 we're not finding responsive materials.</p> <p>24 So we don't believe that this</p> <p>25 burden is being properly shifted to us when</p>	<p style="text-align: right;">Page 12</p> <p>1 say except that the Plaintiffs have an</p> <p>2 obligation to produce documents that are</p> <p>3 responsive to the interrogatory. I'm just not</p> <p>4 sure what more there is to say.</p> <p>5 MS. MILLER: If they're going to</p> <p>6 take the position that there aren't such</p> <p>7 communications or our investigation is not</p> <p>8 revealing these communications, then, yes, I</p> <p>9 agree with you that that is helpful for what</p> <p>10 we're trying to elicit. At this point I just</p> <p>11 don't -- they're trying to have it both ways</p> <p>12 by saying that these documents exist but we're</p> <p>13 not willing to identify them for you.</p> <p>14 So that's where we are right now.</p> <p>15 We need them to have a firm response on our</p> <p>16 interrogatory so that we can move forward with</p> <p>17 discovery.</p> <p>18 MR. ACKERMAN: We obviously</p> <p>19 disagree with that characterization. We have</p> <p>20 identified documents. There is a list of the</p> <p>21 Bates numbers. I think, Special Master Cohen,</p> <p>22 you're right. If they don't think the</p> <p>23 documents are responsive, that's an argument</p> <p>24 for another time, but that's not a motion to</p> <p>25 compel.</p>
<p style="text-align: right;">Page 11</p> <p>1 we're asking very clear discovery. It's our</p> <p>2 right to propound this discovery. And if they</p> <p>3 have these documents, which they're sitting</p> <p>4 here today and telling you that they're</p> <p>5 producing responsive documents in response to,</p> <p>6 then they should respond to our discovery in</p> <p>7 full.</p> <p>8 SPECIAL MASTER COHEN: So this is</p> <p>9 how this lands. So the Plaintiffs have an</p> <p>10 obligation to respond to the request for</p> <p>11 production with documents that are responsive.</p> <p>12 The Plaintiffs have an obligation to some</p> <p>13 extent, and I'm not quite sure what the extent</p> <p>14 is, to respond also to the interrogatory</p> <p>15 saying which are the documents that fall under</p> <p>16 this category, identify for us the ones where</p> <p>17 you're asking for help.</p> <p>18 To the extent that there aren't</p> <p>19 any or they can't do it, Elizabeth, of course</p> <p>20 that inures to the benefit of the Defendants.</p> <p>21 You asked them. They didn't produce any.</p> <p>22 Therefore, they didn't ask for help and they</p> <p>23 didn't mitigate. I mean, that's ultimately</p> <p>24 what you would argue at trial.</p> <p>25 So I'm not sure what more I can</p>	<p style="text-align: right;">Page 13</p> <p>1 MS. MILLER: Well, can they</p> <p>2 respond with a sworn statement saying that</p> <p>3 they cannot ask for help if -- you know, if</p> <p>4 we've identified these categories of</p> <p>5 communications and they're saying they do or</p> <p>6 do not exist, then we would accept a sworn</p> <p>7 statement saying they did not reach out to</p> <p>8 these following entities for assistance.</p> <p>9 SPECIAL MASTER COHEN: That's not</p> <p>10 how it works. You can get something in</p> <p>11 deposition from them perhaps, but that's not</p> <p>12 the next step. The next step is they have</p> <p>13 produced all the documents through discovery</p> <p>14 that they're allowed to ever use at trial.</p> <p>15 You both can look through them and find</p> <p>16 documents that do or do not ask for help, and</p> <p>17 if there aren't any, then Defendants can say,</p> <p>18 look, here's all the documents. They never</p> <p>19 asked for help. Therefore, they didn't</p> <p>20 mitigate. And everybody knows and should know</p> <p>21 that it can't be the case that Plaintiffs then</p> <p>22 come along, or Defendants then come along and</p> <p>23 say, well, oh, here it is. No. If you didn't</p> <p>24 produce it in discovery, you're not using it</p> <p>25 at trial. And so the Defendants will have the</p>

<p style="text-align: right;">Page 14</p> <p>1 opportunity to argue this is all they did.</p> <p>2 MR. WEINBERGER: This is Peter</p> <p>3 Weinberger. It's important to note, because</p> <p>4 the record is very confusing because I think</p> <p>5 the PBMs are confusing the record, and that is</p> <p>6 we have answered with Bates stamp numbers,</p> <p>7 those are the documents. If they don't</p> <p>8 believe that the documents contained</p> <p>9 information that answers the question, you</p> <p>10 know, they'll argue that at trial. But, you</p> <p>11 know, from our perspective, these documents</p> <p>12 are the ones that are responsive, and we've</p> <p>13 identified them by Bates stamp numbers.</p> <p>14 MS. MILLER: If that's your</p> <p>15 statement, then we can accept that as the</p> <p>16 position of the Plaintiffs, that those are the</p> <p>17 responsive documents and those are all the</p> <p>18 responsive documents.</p> <p>19 MR. FARRELL: This is Paul</p> <p>20 Farrell. Special Master Cohen, I want to</p> <p>21 maybe emphasize or reemphasize a couple of</p> <p>22 points.</p> <p>23 The PEC understands that if we</p> <p>24 receive discovery and we don't respond or</p> <p>25 produce documents, then you have historically</p>	<p style="text-align: right;">Page 16</p> <p>1 to come back and identify documents, we're</p> <p>2 allowed to ask them to identify documents, but</p> <p>3 at some point in time if they want us to</p> <p>4 confirm that no more documents exist, they</p> <p>5 need to do it in depositions, like we're about</p> <p>6 to begin doing ourselves.</p> <p>7 So I don't want there to be any</p> <p>8 muddied water about having us to affirm or</p> <p>9 deny one thing or the other. We have an</p> <p>10 obligation to respond to discovery, we have an</p> <p>11 obligation to put up witnesses, and then they</p> <p>12 can start creating a record. And then when</p> <p>13 discovery is over, we're locked in, we go to</p> <p>14 trial.</p> <p>15 MS. MILLER: I just want to</p> <p>16 clarify, though, because Mr. Weinberger a</p> <p>17 minute ago that this is the universe of</p> <p>18 documents you're citing to and, therefore, we</p> <p>19 have a response, and then you're saying</p> <p>20 discovery is ongoing, you will supplement. So</p> <p>21 this is exactly the issue. We don't know what</p> <p>22 your position is. Is it these 99 documents or</p> <p>23 whatever hundred documents that you cited to</p> <p>24 and that's where we should look for our</p> <p>25 response and, therefore, we can go forward</p>
<p style="text-align: right;">Page 15</p> <p>1 ruled if you don't produce it, you don't get</p> <p>2 to use it at trial. And the reverse is true,</p> <p>3 is that if we get to the end of discovery with</p> <p>4 Express Scripts and Optum and we've asked them</p> <p>5 for discovery and they don't produce it, they</p> <p>6 don't get to use it at trial.</p> <p>7 So the ground rules have been very</p> <p>8 clear in this litigation, and I can assure you</p> <p>9 that the PEC is acutely aware of that because</p> <p>10 we've been on both ends of it in, what, four</p> <p>11 or five trials now, of either affirmatively or</p> <p>12 defensively seeing this play out.</p> <p>13 I'll give you an example. Optum</p> <p>14 and ESI have objected to the scope of</p> <p>15 discovery and are not producing documents post</p> <p>16 2019. This means that if they get to trial,</p> <p>17 they don't get to use documents post 2019.</p> <p>18 The Plaintiffs, on the other hand, have</p> <p>19 continued to produce documents up till more</p> <p>20 recently, because we intend to identify and</p> <p>21 establish an ongoing public nuisance and then</p> <p>22 our abatement plan. So to the extent that a</p> <p>23 record gets created when the deadline ends,</p> <p>24 when you declare pencils down, the record is</p> <p>25 the record. And so they are allowed to ask us</p>	<p style="text-align: right;">Page 17</p> <p>1 with our affirmative defenses, or is it that</p> <p>2 your discovery is ongoing, you'll supplement,</p> <p>3 and when pencils are down, then you'll say</p> <p>4 that's the end of the universe? That's why we</p> <p>5 need you all to identify what the relevant</p> <p>6 documents are for these categories, because</p> <p>7 even within the PEC, there seems to be</p> <p>8 disagreement.</p> <p>9 MR. FARRELL: There's not.</p> <p>10 MR. ACKERMAN: Hold on. Document</p> <p>11 production is ongoing. There's no question</p> <p>12 about that. And we'll supplement the response</p> <p>13 as we identify new documents, just as every</p> <p>14 party will, just as we assume the PBM</p> <p>15 Defendants will.</p> <p>16 MS. MILLER: Well, Mr. Weinberger</p> <p>17 just said that we had muddied the waters or</p> <p>18 been unclear because these documents that you</p> <p>19 have cited were your response and, therefore,</p> <p>20 this conversation was unnecessary, so now I'm</p> <p>21 confused about what exactly you're promising.</p> <p>22 MR. ACKERMAN: I don't think</p> <p>23 that's what he said, and I think what I just</p> <p>24 said was kind of clear.</p> <p>25 SPECIAL MASTER COHEN: I don't</p>



<p style="text-align: right;">Page 18</p> <p>1 think there's anything unclear. The document  2 production continues. If additional document  3 production includes documents that are  4 responsive to interrogatory no. 3, then the  5 Plaintiffs will identify them, they'll  6 supplement the responses, as all parties are  7 required to do. I don't think there's  8 anything else to rule on on this issue. I  9 think we need to move on. I just don't see  10 anything left to do here.  11 MS. MILLER: Thank you, Special  12 Master Cohen.  13 SPECIAL MASTER COHEN: No problem.  14 So am I correct that what the  15 parties now are saying is that with regard to  16 agenda item 387, which has to do with CMO  17 dates, they just want a little bit more time  18 and there's nothing for me to do at this  19 moment? There might be in three days, but  20 with a little more time, they might be able to  21 get some of the date issues resolved. Is that  22 correct?  23 MS. FITZPATRICK: Good morning,  24 Special Master Cohen. This is Laura  25 Fitzpatrick.</p>	<p style="text-align: right;">Page 20</p> <p>1 MR. FARRELL: Which one is 389?  2 I'm sorry.  3 SPECIAL MASTER COHEN: This is --  4 MS. FITZPATRICK: Rebates --  5 MR. FARRELL: Oh, that's me.  6 So let me see if I can say it in  7 very broad terms and then we can narrow it  8 down as the discussion goes.  9 The PEC wants to know how much  10 money Purdue Pharma, by way of example, paid  11 Express Scripts and Optum. We've sought  12 discovery using different combinations of  13 words to get to that. We believe that there  14 should be a financial data trail at some point  15 in time that establishes these payments, but  16 we also have seen in discovery that part of  17 the contracts between Purdue and, especially,  18 Express Scripts, says that these rebate  19 summary reports are supposed to be generated  20 and shared with each other.  21 SPECIAL MASTER COHEN: Is that a  22 term of art that's used in the communications  23 between the PBMs and Purdue, rebate summary?  24 MR. FARRELL: Yes, sir.  25 SPECIAL MASTER COHEN: Did you</p>
<p style="text-align: right;">Page 19</p> <p>1 Yes, that's exactly right. We're  2 working through these issues. We had a meet  3 and confer as recently as yesterday afternoon,  4 and as I mentioned in my correspondence, with  5 the exception of one date that I think we may  6 be actually on the path of resolving today, we  7 are in line on the dates up through the close  8 of fact discovery, but there were some issues  9 raised last week that we're working through  10 this week and I expect that we will be able to  11 let you know if there are any remaining  12 disputes by the end of this week.  13 SPECIAL MASTER COHEN: Very good.  14 That takes us to agenda item 389.  15 So I did read this last night. I guess I need  16 your oral argument on this. I'm not entirely  17 certain what has been asked for and what has  18 been produced and the extent to which the  19 Plaintiffs believe that what has been produced  20 isn't sufficient and, also, what there is to  21 produce. It sounded like the PBMs were saying  22 we produced what you've asked for and we don't  23 have anything more to produce. So I'm not  24 quite sure how this lays out.  25 Do Plaintiffs want to start?</p>	<p style="text-align: right;">Page 21</p> <p>1 call it rebate summary chart?  2 MR. FARRELL: It's called -- and  3 there's a list of summary reports. There's  4 one particular one that's called a rebate  5 summary report.  6 SPECIAL MASTER COHEN: Go ahead.  7 MR. FARRELL: And, in fact, Purdue  8 Pharma is paying Express Scripts money as a  9 percentage of opioid sales to generate these  10 reports, so at some point in time, you'll  11 recall, we had filed motions to compel,  12 motions for sanctions, we've appeared before  13 you. This has been since April we've been  14 asking them tell us or produce for us  15 documents that demonstrate how much money  16 Purdue Pharma paid you and then how much of  17 that money you passed on to your clients.  18 As you recall, our theory of  19 liability, or one of them, is that the PBMs --  20 and I understand these are disputed, they're  21 allegations. The PBMs, we are alleging, had a  22 financial motivation not to limit opioids but  23 a financial motivation to increase the volume  24 of opioids.  25 SPECIAL MASTER COHEN: I</p>

<p style="text-align: right;">Page 22</p> <p>1 understand why the rebate summary report is 2 relevant.</p> <p>3 MR. FARRELL: So to date we have 4 neither seen any evidence of any summary 5 reports nor underlying financial data that we 6 can figure out how much money Purdue paid 7 Express Scripts.</p> <p>8 I have an exemplar. I can share 9 my screen. This comes from Purdue. Let me 10 see if I can make the magic work. Can you see 11 this document?</p> <p>12 SPECIAL MASTER COHEN: I can.</p> <p>13 MR. FARRELL: If you look up top, 14 this comes from PPLPC012000431839. This is a 15 Purdue spreadsheet, and in this Purdue 16 spreadsheet what you can see -- I'm going to 17 try to move this.</p> <p>18 SPECIAL MASTER COHEN: This is not 19 a rebate summary report?</p> <p>20 MR. FARRELL: It is not. This is 21 from Purdue. This is a 2014 summary financial 22 document that seems to indicate that in 2014 23 there were \$622 million in rebatable gross 24 sales, and that of that, \$95 million was paid 25 by Purdue Pharma to Express Scripts in rebates</p>	<p style="text-align: right;">Page 24</p> <p>1 negotiations with the PEC, included data on 2 rebates received and rebates shared on a 3 claim-by-claim basis for the bellwether 4 jurisdictions, so the PC has all that 5 information.</p> <p>6 In addition, regarding this 7 request for rebate summary data reports, what 8 we have learned from our client is that rebate 9 summary data, rebate invoices are shared with 10 manufacturers through a data portal. They're 11 not just documents that are worked up and sent 12 over e-mail, like here's your monthly rebate 13 report, here's your monthly invoice. You 14 know, the manufacturers have access to a data 15 portal, which provides them with utilization, 16 the rebate invoices, and we've gone and 17 collected those invoices for Purdue going back 18 ten years and we've produced those to the PEC. 19 You know, as you've said many times, we cannot 20 produce documents that don't exist. So far we 21 haven't found rebate summary reports for 22 opioid manufacturers. Instead, we've found 23 these invoices, which we did produce.</p> <p>24 MR. WEINBERGER: Special Master 25 Cohen, this is Pete Weinberger.</p>
<p style="text-align: right;">Page 23</p> <p>1 and \$18 million of it was some type of 2 administrative fee. So we know that there are 3 at least two sources of revenue going from 4 Purdue Pharma to Express Scripts in 2014. One 5 of it is in the form of \$95 million in rebates 6 and one of it is in the form of \$18 million in 7 administrative fees. We understand that the 8 rebate, a portion of it, is retained by 9 Express Scripts and the remainder goes to its 10 clients.</p> <p>11 Our point is this, is that this 12 data, this financial fact, exists. We have 13 asked for it using every different combination 14 of words we can use. We don't have it. We 15 don't want to wait until December 6th to start 16 going through spreadsheets. And we want 17 Express Scripts to give it to us.</p> <p>18 SPECIAL MASTER COHEN: Any 19 response from Defendants, please?</p> <p>20 MR. VANDEN HEUVEL: This is Sage 21 Vanden Heuvel for Express Scripts.</p> <p>22 So since discovery started we've 23 produced quite a bit of data as well as 24 documents relating to rebates. We produced 25 our claims data, which, pursuant to the</p>	<p style="text-align: right;">Page 25</p> <p>1 This is a conversation that we had 2 going back to early 2024, and what Sage just 3 talked about in terms of the time limitations 4 going back only ten years, which, I guess, 5 would be 2014, was the subject of 6 conversations that we had with you regarding 7 the temporal scope of discovery because we 8 wanted this information going back much 9 earlier than that, probably to the year 1997, 10 '98 or 2000. And in the colloquy, in the 11 hearing that we had before you, the conclusion 12 that you reached was that you were sure, based 13 upon what was represented at the time, that 14 while maybe the data doesn't exist going back 15 before 2014, that based upon the documents 16 that we were quoting to you, including the 17 fact that the contracts contained these rebate 18 summaries, or the requirement that they be 19 prepared and communicated -- you know, you 20 were -- I won't quote you as saying you were 21 sure, but it seemed reasonable to assume that 22 at least those summaries of the data, of the 23 rebate summary amounts and payments, existed 24 in other documents, whether they be summaries 25 or e-mails or the like. And that's kind of</p>



<p style="text-align: right;">Page 26</p> <p>1 where you landed when you then imposed time  2 limitations with respect to the data.  3 And so now we're in September, and  4 what we're saying to you is what was  5 represented to you by the PBMs at that time in  6 terms of the fact that there is likely other  7 documents that contain the information that we  8 need and so they shouldn't be burdened to try  9 to find data before 2014 is not the fact.  10 So, you know, we've been asking  11 for this information for nine months, and what  12 we're being told now is, well, we've given you  13 data back to 2014.  14 We're also concerned about whether  15 we're getting national rebate data or we're  16 just getting information with respect to the  17 bellwethers or the states in which the  18 bellwethers exist.  19 And so that's our concern. I  20 think that's a summary of where we are and how  21 we got here.  22 MR. MOUGEY: Let me leave one more  23 piece with the data because I don't want to  24 leave Special Master Cohen with the impression  25 that the data that we have from '14 on is</p>	<p style="text-align: right;">Page 28</p> <p>1 I'd like to just supplement that with the  2 Optum experience, which was at that March  3 conference, Andrew Hatchett informed you that  4 we would know in real time from the documents  5 produced from Optum how much was paid by month  6 and by year by manufacturer and by drug. And  7 we have identified in the Optum contracts with  8 Purdue specific reports that were required.  9 There is a rebate invoice that was to be  10 provided on a monthly basis, along with a  11 manufacturer utilization report that was to be  12 provided on a monthly basis, and then later in  13 time Optum agreed with Purdue that they would  14 produce a market share report comparing  15 Purdue's opioid market to its competitors.  16 All of those reports should exist. The  17 contracts require that Optum is to maintain  18 these documents for three years past the  19 termination of these agreements, and those  20 agreements existed throughout the entire  21 period.  22 So we've asked for these documents  23 since March. In Optum's case we have not been  24 produced any of those documents. And what  25 concerns me most is that in the last few days</p>
<p style="text-align: right;">Page 27</p> <p>1 sufficient. It's not. And it's not that we  2 think it's insufficient; it's the Defendants  3 said it was insufficient.  4 So I'm a little surprised to hear  5 the representation that we can simply go to  6 the data. And here's why. What we were told  7 back months ago when we were negotiating the  8 data is that in order to recreate the rebate,  9 admin-type revenue, that we would need then to  10 take every single contract into account and  11 reinvent the formulas client by client by  12 client. So the limitation on the data that we  13 have is that we cannot convert that into a  14 revenue stream with any specificity, and I'm  15 confident if we were to try to introduce as  16 such at trial, that that would be met with  17 objection because we don't have all the  18 contracts. Quite frankly, we're still  19 negotiating the sampling, but even the  20 sampling isn't going to be sufficient to  21 convert the data that we do have.  22 So I don't want to leave you with  23 the impression that the '14 on data is  24 sufficient either.  25 MR. ELSNER: Special Master Cohen,</p>	<p style="text-align: right;">Page 29</p> <p>1 when we've had conversations about these,  2 Optum has informed us that they will go to the  3 client and about these specific documents, but  4 this should have been done long ago, and  5 without this information, our experts can't be  6 prepared, we can't take meaningful  7 depositions.  8 SPECIAL MASTER COHEN: You just  9 said -- did you mean Optum's counsel said it  10 would go back to its client?  11 MR. ELSNER: Yes.  12 MR. FARRELL: Special Master  13 Cohen, one final thing. We've identified the  14 problem and so we're also -- I want to bring  15 you the solution.  16 SPECIAL MASTER COHEN: Hold on.  17 Let me just ask a question.  18 Are any of these documents, you  19 know, within the repository by virtue of  20 having them produced, say, by Purdue or any  21 other --  22 MR. ELSNER: We have found from  23 Optum, and I included in one of my exhibits, a  24 summary of an invoice that was -- a rebate  25 summary payment that was provided to Optum,</p>

<p style="text-align: right;">Page 30</p> <p>1 but they are not otherwise there. If we could 2 find them from another source, we would have 3 done that.</p> <p>4 SPECIAL MASTER COHEN: So now I 5 have a question for Sage. Sage, you said 6 that -- I think I understood you to say that 7 there are these reports or invoices -- I've 8 heard now manufacturer utilization reports, 9 market share reports, rebate invoices, rebate 10 summary data reports, all kinds of different 11 names, and I think what you said is, yeah, 12 those were actually never produced as a 13 document, as a PDF or as a Word or as, you 14 know, a piece of information by itself. It 15 was all just a database that they could -- 16 that Purdue, for example, could log into and 17 learn this information, which doesn't sound 18 right to me. So can you explain that? I 19 mean, it sounds like, just from the 20 description that Michael gave, where you're 21 required to produce a report and keep it for 22 three years, that's not just a database in a 23 portal.</p> <p>24 MR. VANDEN HEUVEL: Yes, but as 25 the PEC knows, Express Scripts would give</p>	<p style="text-align: right;">Page 32</p> <p>1 because it is more likely that the 2 manufacturers would have those kinds of 3 reports since, you know, manufacturers, they 4 produce a small number of drugs, they're going 5 to be focused on the rebates for those drugs. 6 Express Scripts, as a PBM, is processing 7 thousands of different types of drugs.</p> <p>8 SPECIAL MASTER COHEN: First of 9 all, I'm pretty sure that the PEC has 10 virtually every document that it could 11 possibly obtain from Purdue.</p> <p>12 Second of all, the answer isn't, 13 oh, well, then go to Purdue. The answer, it 14 sounds to me, if there aren't the documents 15 that I understood would answer all of these 16 questions, is to give the PEC access to the 17 database. I don't see -- it's clearly 18 centrally important information, the amount of 19 money that was being shared and the amount of 20 information that was being shared between 21 Purdue and the PBMs about opioids, and if 22 there are no documents along the lines of what 23 have been described here, if you're saying 24 there aren't any, then the database is going 25 to be the next place to go.</p>
<p style="text-align: right;">Page 31</p> <p>1 access to its portal to the manufacturers for 2 business reasons or for reasons of 3 transmitting these kinds of data. That was 4 just viewed as a more secure way to provide 5 the data on utilization and invoices. Perhaps 6 it's more efficient. But, you know, I can't 7 say that they never produced an invoice report 8 or a rebate summary report. If they have been 9 produced, you know, we'll produce those in 10 discovery through the custodian search terms. 11 But generally, from what we've seen and what 12 we understand, is that this information was 13 transmitted to the manufacturers through a 14 data portal. In fact, if you look at the 15 spreadsheet that Mr. Farrell just put up on 16 the screen earlier, there is a tab called 17 "Data Portal," where it provides information 18 on rebates and administrative fees, showing 19 that even as of the date of that spreadsheet, 20 which I think is from 2012, Purdue was 21 obtaining this information through the data 22 portal. And I have to wonder why the PEC 23 hasn't issued a third-party subpoena to Purdue 24 and the other manufacturers if they're so 25 concerned about getting these documents,</p>	<p style="text-align: right;">Page 33</p> <p>1 MR. VANDEN HEUVEL: Well, we've 2 already produced the invoice data from the 3 database for Purdue.</p> <p>4 MS. VIEIRA: For the benefit of 5 the court reporter, this is Olga Vieira for 6 Express Scripts.</p> <p>7 The data that is in the database 8 has been produced. This was a subject of 9 extended negotiations back in January when we 10 started the whole process of the data fields.</p> <p>11 What the PEC is seeking is a data 12 field that has the end number of what ESI 13 makes from Purdue, the revenue number, and 14 that does not exist, and that was the subject 15 of many conversations with Jeff Gaddy and 16 Laura Dunning on behalf of Express Scripts. 17 That final number doesn't exist and there's a 18 multitude of reasons for that.</p> <p>19 We have given them the rebate 20 amount that was paid per claim, so you know 21 which opioid received a certain amount of 22 rebate money. That is there for the dates 23 that we have it available. What we don't have 24 in that data is then how that translates into 25 a revenue share with or a net profit share</p>

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1 with the different clients, how the clients  
2 may take some of that or don't take some of  
3 that, how that's accounted for the clients.  
4 We've explained to them that that is because  
5 that decision is made on a client-by-client  
6 basis. You have to go back to each individual  
7 client to figure out, okay, this is the  
8 agreement we had, you're going to take a  
9 hundred percent of your rebates, you're going  
10 to take a portion of your rebates: You have a  
11 certain rebate guarantee, you have  
12 administrative fees that will be offset by a  
13 portion of the rebates up until a certain  
14 percentage. Every single client has a  
15 different arrangement.

16 For months now we've been telling  
17 them let's discuss a client sampling process  
18 so that you can see how the clients' contracts  
19 are arranged and that would give you that  
20 information.

21 So for a particular client, once  
22 we decide what the client sampling will be,  
23 there will be, potentially, some rebate  
24 reconciliation reports that they can have that  
25 will show for that particular client this is

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1 how much rebate was generated, this is what  
2 was kept, this is how the fee structure was  
3 set up for that client, and you'll know, you  
4 know, what the rebate structure was.

5 Another important consideration  
6 here is that it's not done on a drug-by-drug  
7 basis. What they want is specific amounts of  
8 money that were paid for opioids by a  
9 particular manufacturer and how that affected  
10 ESI's bottom line. But when you get into the  
11 retention by clients of the funds that were  
12 generated, it's not done by, okay, of opioids  
13 you're going to keep a hundred percent of the  
14 rebates; when it comes to some other  
15 medication, you're going to keep 95 percent of  
16 the rebates. It's not done that way. So it's  
17 all put together, right, as a financial  
18 package, this is how the contract is going to  
19 be. And so there won't be necessarily per  
20 client, you know, this is what you made off of  
21 opioids for this particular client. It's  
22 going to be all put together. And that's why  
23 we've been explaining to them for months it's  
24 not a simple accounting function that can be  
25 spit out to you on our side. The amount of

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1 rebates we were paid for the years that it  
2 exists, we provided that. We provided the  
3 invoices. They have access to all the data  
4 that the pharmaceutical companies had access  
5 to. That's really not at issue. That they  
6 have. It's the second component of it, which  
7 is what did we keep versus what did our  
8 clients take, and how all those financials  
9 worked out, that we need the client sampling,  
10 which we are working through right now.

11 MR. WEINBERGER: Special Master  
12 Cohen, this is Pete Weinberger.

13 Anybody that has followed the  
14 controversy in the public about PBMs and their  
15 conduct vis-a-vis rebates and administrative  
16 fees, whether it's been the federal government  
17 or state attorney generals or whatever, knows  
18 that this rebate issue and how much they  
19 received at rebate, whether it's with respect  
20 to insulin or other drugs, has been a huge  
21 issue; and those numbers, not with respect to  
22 opioids, have been publicized, and they've  
23 been publicized because the PBMs have been  
24 required to produce that information because  
25 it's a significant issue out there. And, you

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1 know, your -- your suggestion that we get  
2 access to the data I'm assuming references,  
3 you know, our getting access to the portal,  
4 which is what Sage started this whole  
5 conversation about, that they were providing a  
6 portal that provides this information. Well,  
7 this is kind of tantamount to what is  
8 happening in medical malpractice litigation  
9 these days, because so much of it is  
10 electronic medical records, and when you have  
11 a malpractice case, you have the medical  
12 records, the documents, but then you have  
13 what's online in the electronic medical chart,  
14 including communications between people. And  
15 what the answer has been -- you know, we've  
16 actually sat down with the Defendants and  
17 accessed the actual portal so we can see, for  
18 example, what the doctor can see in electronic  
19 medical records, but that takes somebody  
20 sitting with us explaining to us how we  
21 maneuver through that portal and what do we  
22 click in order to get the information.

23 Now, I don't know whether that's  
24 the solution here that you're thinking about,  
25 Special Master Cohen, which is, you know,

<p style="text-align: right;">Page 38</p> <p>1 access to the portal, but that's a lot  2 different than access to the data, the  3 underlying data, which is -- you know, we have  4 to create our own algorithms to try to figure  5 out and analyze.  6 Now, if we're talking about access  7 to the portal, where we can get our data  8 people who are familiar with, you know, how to  9 maneuver and have somebody teach them how to  10 get into the portal, so that we can do the  11 sorting of the data to sort out what it is  12 that we're looking for, you know, that may be  13 a solution.  14 You know, the easy thing is -- the  15 easier thing is for them to just answer the  16 question, which is, you know, how much in  17 rebates did you receive from opioids going  18 back to the 2000s.  19 MS. VIEIRA: So if I may just real  20 quickly, because I think there's some  21 misconception on this concept of the portal.  22 The portal was made available at  23 the time that the data existed back at the  24 time when it was accessed, right. That's not  25 to say right now if you enter the portal, you</p>	<p style="text-align: right;">Page 40</p> <p>1 component of it. And they have that as far  2 back as we have it.  3 If there are -- and this is what  4 we said at the hearing a few months ago. If  5 there are other documents -- there could be  6 e-mails. There could be documents similar to  7 what Mr. Farrell put up there, which is a  8 summary of rebates. Those things may exist in  9 correspondence. Those things may exist in  10 hard copy files. Those things may exist in  11 non-custodial electronic files. If that  12 exists, they have been pulled into our search  13 systems and we are going through them all and  14 we will produce them. We just can't say that  15 right now because it's such a large volume of  16 documents that we've ingested, per their  17 request, and it's going to take a while to get  18 through it. But there's nothing left  19 electronically in data that we can produce  20 that would respond to this other than what  21 we've already produced.  22 I'm sorry that it's taking a long  23 time, but it's a lot of data. We offered at  24 the beginning of this whole process to go to  25 the specific custodians, and we did, and asked</p>
<p style="text-align: right;">Page 39</p> <p>1 can get information going back to all the  2 dates that you want to go back into. So it's  3 no longer there. If it were there, we would  4 have produced them. That's not the issue now.  5 We've given them from the portal all of the  6 data that they would have had access to that  7 we have access to. That was the subject of  8 the discussions back earlier this year when  9 you talked about what was readily available,  10 what we could produce in terms of data.  11 Anything that is available in the portal is  12 the subject of the data production that we've  13 already made. They have that data. There's  14 nothing in the portal that they will get that  15 they don't already have and that we haven't  16 already produced. In fact, that's where we  17 started this conversation. We have pulled the  18 invoices that were in the portal. That's the  19 only documents that we know were given to the  20 manufacturers, and we produced those. There's  21 nothing left in the portal that they don't  22 already have that they can't already look at.  23 They have the number of -- they have the  24 amounts of rebates that were paid by Purdue.  25 What they don't have is the second</p>	<p style="text-align: right;">Page 41</p> <p>1 them where can we find this information, let's  2 target this, let's look for that. And the PEC  3 had very strong concerns and wanted us to pull  4 all of the information into our system and run  5 our search terms through it. So we stopped  6 that process, and we started the longer  7 process, which we told them was going to delay  8 things, which we told them was going to take a  9 long time. And now we've been doing that.  10 We've ingested hundreds of millions of  11 documents, hundreds of millions of pages into  12 our system, running the search terms and  13 producing it as quickly as we can. There is  14 nothing left in a portal to look at. They  15 have the data. They have the rebates that  16 have been paid.  17 The other side of it, we've been  18 asking them for months to choose which clients  19 they want to look at. They can look at the  20 contracts. They can look at if there's going  21 to be reconciliation reports on rebates there.  22 And we can do all of that work. But they have  23 not chosen custodians. I think we got the  24 proposal a week ago, and we're working through  25 that and negotiating that.</p>



<p style="text-align: right;">Page 42</p> <p>1 And, by the way, this</p> <p>2 conversation, this issue came up last week.</p> <p>3 We haven't had a chance to talk about it with</p> <p>4 them. We haven't had a chance to meet and</p> <p>5 confer about what else we can do, how else we</p> <p>6 can help speed this along and get them what</p> <p>7 they need. And so I would suggest that we all</p> <p>8 take some time to meet and confer about this</p> <p>9 further and see where else we can go and what</p> <p>10 else we can give them, starting with client</p> <p>11 contracts and client documents,</p> <p>12 client-specific documents that will show them</p> <p>13 profit numbers or numbers of rebates retained.</p> <p>14 I don't know if it would be profit, but</p> <p>15 rebates retained or whatever it is for</p> <p>16 specific clients.</p> <p>17 SPECIAL MASTER COHEN: Tell me</p> <p>18 about this -- you called it a sampling. Peter</p> <p>19 mentioned sampling. Olga, you just mentioned</p> <p>20 sampling. You're talking about choosing</p> <p>21 clients, and you said, Olga, at one point</p> <p>22 choosing custodians, but you might have meant</p> <p>23 clients. Tell me what's going on there. I</p> <p>24 don't understand it.</p> <p>25 MS. VIEIRA: Right. So we have</p>	<p style="text-align: right;">Page 44</p> <p>1 The Defendants have agreed to</p> <p>2 produce to us documents and information on a</p> <p>3 national basis as to what the national rebate</p> <p>4 payments were by the manufacturers, and that's</p> <p>5 the information that we need. The client</p> <p>6 contracts and the specific Bellwether</p> <p>7 jurisdiction amounts are a completely</p> <p>8 different issue from the national payments</p> <p>9 that we seek.</p> <p>10 MS. VIEIRA: Right. The client</p> <p>11 contracts go to the second component that Paul</p> <p>12 had asked about, which is the retention of</p> <p>13 rebates and what is shared with clients.</p> <p>14 That's what I've been trying to clarify. The</p> <p>15 amounts that were paid by rebates are in the</p> <p>16 data that has been produced by jurisdiction.</p> <p>17 SPECIAL MASTER COHEN: So here's</p> <p>18 kind of the problem, and it's true that</p> <p>19 normally neither a defendant nor a plaintiff</p> <p>20 is required to create a document that doesn't</p> <p>21 already exist in discovery, but the parties</p> <p>22 are required to produce information. If that</p> <p>23 information isn't in a document, like a rebate</p> <p>24 data summary report or a rebate invoice or a</p> <p>25 manufacturer utilization report or a market</p>
<p style="text-align: right;">Page 43</p> <p>1 thousands of clients within a particular</p> <p>2 jurisdiction within the City of Rochester</p> <p>3 within Webb County, and they've asked for</p> <p>4 client contracts, and we've agreed, I believe,</p> <p>5 on both sides that that would be a sampling</p> <p>6 process. We suggested the top clients that</p> <p>7 serve the largest percentage of customers.</p> <p>8 They rejected that proposal and came back and</p> <p>9 said we want the top 40 clients, I believe,</p> <p>10 was their latest request, and all of their</p> <p>11 documents and contracts. And so we're looking</p> <p>12 at that, trying to figure out what the best</p> <p>13 solution is. So that's what the sampling is.</p> <p>14 It's client contracts.</p> <p>15 MR. ELSNER: Special Master Cohen,</p> <p>16 this is Mike Elsner. Sorry to interrupt, but</p> <p>17 the issue of client contracts is a completely</p> <p>18 separate issue from the amount of rebates that</p> <p>19 were paid by ESI and Optum for Purdue and</p> <p>20 other manufacturers. The client contracts</p> <p>21 have no relevance to what the -- the national</p> <p>22 payments were made by Purdue to these PBMs.</p> <p>23 The data that's been produced and why it's</p> <p>24 inadequate is limited to just the bellwether</p> <p>25 states.</p>	<p style="text-align: right;">Page 45</p> <p>1 share report or any other document that's</p> <p>2 already been created, but if the information</p> <p>3 that's being requested is as critical as this</p> <p>4 is, then you might have to create a document.</p> <p>5 And I'm saying this to both sides. I'm not</p> <p>6 saying that that definitely needs to happen</p> <p>7 here, but the information being requested is</p> <p>8 appropriately requested and needs to be</p> <p>9 produced, and I'm not quite sure how that's</p> <p>10 going to happen. It may be that pursuant,</p> <p>11 Olga, to all of the discovery ingestion that</p> <p>12 you just described, that you will find</p> <p>13 documents and produce those documents that end</p> <p>14 up being responsive and that's sufficient. It</p> <p>15 may be that we have to do something like</p> <p>16 giving Plaintiffs access to a portal. It</p> <p>17 sounds like that might not work because the</p> <p>18 data in the portal that they would get access</p> <p>19 to has already been produced and it doesn't</p> <p>20 really help, doesn't add to the actual</p> <p>21 discovery of information. But the Defendants</p> <p>22 have to figure out how to get the information</p> <p>23 being asked for to the Plaintiffs because it</p> <p>24 is discoverable, it is relevant, and it is, in</p> <p>25 fact, at the heart of what this lawsuit is</p>

<p style="text-align: right;">Page 46</p> <p>1 about. It's not peripheral. It's not  2 something I'm going to say you know what,  3 you're getting 80 percent of what you need and  4 that's enough. This is in the heartland of  5 what needs to be produced.  6 So I'm not quite sure what more to  7 say, except that the Defendants have to figure  8 out how to get this to them.  9 Now, another thing I'll add is  10 some of this maybe comes through discovery  11 other than -- well, for example, depositions,  12 right. Maybe this comes -- although I can't  13 imagine how. Maybe the information being  14 requested by the Plaintiffs ends up being  15 produced appropriately through discussions,  16 depositions with folks who knew this, but it's  17 hard for me to imagine that this kind of  18 information is something that ends up coming  19 out through discovery. It's just too massive,  20 and there's no way that the Defendants didn't  21 know most of what's being asked. I get that  22 maybe a rebate, for example, was, you know,  23 calculated based on all medicines and not just  24 opioids. Okay. If that's the answer, that's  25 the answer. But that's different. There's</p>	<p style="text-align: right;">Page 48</p> <p>1 to capture rebate-related conversations, and I  2 know that those are being produced.  3 But we also, after conversations  4 with them, you know, dating back some time,  5 went to the client and said we need to collect  6 non-custodial sources of information.  7 Now, I'm not aware on the Optum Rx  8 side, sitting here today, of a portal, but of  9 other non-custodial reports and documents like  10 those that Mr. Elsner raised. And what we've  11 received back are several thousand rebate  12 audit documents, which we have told them we  13 are in the process of reviewing and  14 prioritizing for production. Frankly, I  15 expected that that collection might have  16 included some of the other reports that  17 Mr. Elsner raised, and we have reiterated to  18 him that we are working to determine whether  19 those are available to collect and produce.  20 So certainly not resisting providing those  21 pieces of information, but we do need a little  22 bit more time to complete those reviews and  23 productions.  24 So, you know, I certainly hear the  25 points that you're making, but I want to make</p>
<p style="text-align: right;">Page 47</p> <p>1 still the answer that applies -- even if  2 that's true, there's still an answer that  3 applies globally to every drug that then would  4 apply to opioids.  5 MS. MCGOWAN: Special Master  6 Cohen, this is Emily McGowan for Optum Rx. I  7 just want to make sure that the record is  8 clear as to Optum Rx on this and where we are  9 in the meet-and-confer process with the  10 Plaintiffs on it.  11 So as Mr. Elsner said, we have  12 produced our statewide data for all of New  13 York and Texas. We have provided the  14 negotiated fields that relate to the rebates  15 that were paid for all in-scope claims for  16 those states as well as, you know, additional  17 fields in the claims data that are relevant to  18 this discussion.  19 And then on the document side,  20 which is really what this is about, are there  21 additional materials beyond the statewide data  22 that would answer the question the Plaintiffs  23 are proposing. We have pushed out hundreds of  24 thousands of e-mails and documents that were  25 subjected to negotiated search terms designed</p>	<p style="text-align: right;">Page 49</p> <p>1 sure that everyone understands that we are  2 working to provide the information and can  3 update the Plaintiffs in terms of what we  4 find.  5 We have also made clear to them  6 that what they're asking for is really not the  7 full story, and we have told them that the  8 rebate dollars paid to the company, that's  9 just a part of it. We are also looking for  10 information, and will produce it, that relates  11 to the dollars that are passed on to the  12 health plan clients, and most of them are.  13 And so that's an important piece of it, and I  14 think Mr. Farrell mentioned it explicitly. We  15 will be providing it as well.  16 SPECIAL MASTER COHEN: So where  17 are we in the process of production and when  18 are the deadlines and when do you expect the  19 production of this kind of information to be,  20 let's call it, substantially complete?  21 MS. MCGOWAN: So for Optum I  22 expect to produce the responsive rebate audit  23 materials by the end of this month, which is  24 what I told Mr. Elsner yesterday. And in  25 terms of determining whether the other reports</p>



<p style="text-align: right;">Page 50</p> <p>1 are available for us to collect and produce, I 2 think that's a question that we can answer by 3 the end of the month. 4 MR. ELSNER: Special Master Cohen, 5 this is Michael Elsner for the PEC. 6 It seems to me that within two 7 weeks Optum and ESI should be able to provide 8 the Plaintiffs with a list of what documents 9 are available that cover this topic, and that 10 the production of those records could be done 11 by the end of the month. Within two weeks we 12 can look at that list and determine whether 13 that's going to satisfy us that we can answer 14 the questions that we need answered. And if 15 it doesn't, then we'd suggest that it would be 16 appropriate for them to provide those rebate 17 dollars and administrative fee dollars in the 18 form of some type of interrogatory and/or a 19 30(b)(6) deposition on the topic so that we 20 can get those answers under oath. 21 SPECIAL MASTER COHEN: What I was 22 going to say is that -- so we've chatted about 23 this for half an hour, 20 minutes. It sounds 24 like the Defendants now certainly understand 25 what my position is on the importance of the</p>	<p style="text-align: right;">Page 52</p> <p>1 criticized, in very strong language in 2 letters, about our deficiencies, which we 3 completely disagree with. And so the context 4 of this is that, you know, this is something 5 that we've been asking for for nine months and 6 here we are they're saying, well, we're still 7 searching and give us another two weeks. I 8 appreciate the position that you're in, 9 Special Master Cohen, but, you know, the issue 10 of relevancy and importance and 11 discoverability of this has, in our mind, 12 never been an issue, never been something that 13 we thought was or that we communicated was 14 unimportant. It's been important from the 15 very beginning. Thanks. 16 MR. VANDEN HEUVEL: I just want to 17 say something to that. 18 Over two months ago we produced 19 all of the Purdue invoices for nationwide and 20 we identified those in our production letter. 21 The PEC did not ask us to talk about those 22 invoices. They didn't bring them up to us. 23 Instead, we got the e-mail last week that they 24 were searching for additional documents 25 regarding remuneration. So I just want to lay</p>
<p style="text-align: right;">Page 51</p> <p>1 information being produced, and they're 2 working on things that may produce it, and 3 that we should know in the next two, three 4 weeks where things stand and whether we're 5 going to have to do something additional like 6 you suggested. So let's end the conversation 7 at this point with, okay, everybody has now 8 been sensitized to the importance of this 9 issue and what needs to happen, and let's keep 10 it on the agenda and come back to it and see 11 where we are in a couple weeks. 12 MR. FARRELL: This is Paul 13 Farrell. 14 MR. WEINBERGER: Paul, just a 15 second. 16 We've been -- now both sides have 17 been sensitized. We've been sensitized to 18 this since the earliest point in this 19 litigation. 20 SPECIAL MASTER COHEN: I'm sure. 21 It's very critical information. 22 MR. WEINBERGER: And it was a 23 subject of our motion for sanctions. You 24 know, we kept getting criticized on the other 25 side -- the bellwethers keep getting</p>	<p style="text-align: right;">Page 53</p> <p>1 that out there that we did produce, pulling 2 from the archive and pulling from the data 3 portal, all those invoices going back ten 4 years two months ago, and we identified those 5 in our cover letter to the PEC. 6 MR. WEINBERGER: Ten years ago. 7 That's exactly the problem. 8 MR. FARRELL: Special Master 9 Cohen, I'd like to get back to what I tried to 10 get to earlier as the solution. 11 I am weary of arguing with lawyers 12 about what is or is not fair according to 13 lawyers. I believe that there are structural 14 problems with what the Defendants are saying 15 is available to answer our question. It 16 doesn't matter the substance of it. There's 17 structural problems with what they're saying 18 is available to satisfy our inquiry. The only 19 way this is going to get resolved is for a 20 30(b)(6) on this topic. 21 SPECIAL MASTER COHEN: That may be 22 true, and in about two, three weeks we'll see 23 what documents they produce, and it may be 24 that I say you're absolutely right, Paul. You 25 don't want me to say that now, right?</p>


<p style="text-align: right;">Page 54</p> <p>1 MR. FARRELL: I've been ready for 2 you to say that since April. To me this 3 should be an essential part of the way that a 4 business operates, is that an accountant can 5 say this is how much money Purdue pays us. 6 SPECIAL MASTER COHEN: I think 7 that in two weeks you're going to have 8 documents that you can use in, if it's 9 necessary, a 30(b)(6), and you may be 10 absolutely correct that it is. 11 MS. VIEIRA: And just to be clear, 12 once again, we're talking about a time frame. 13 They have had information for the past ten 14 years. It's going back beyond ten years that 15 they want accounting for information that may 16 or may not exist anymore. We're looking for 17 it. We'll produce it if we have it. But that 18 has been produced. They have that information 19 Sage just said since two months ago. They 20 have that information. So for the last ten 21 years, going back all the way to 2014, ten 22 years' worth of accounting is in their hands. 23 What we're talking about is beyond ten years. 24 MR. FARRELL: So you're willing to 25 put up a witness now that will testify about</p>	<p style="text-align: right;">Page 56</p> <p>1 through it and provide it, it's going to take 2 us the months that we've asked for. So that's 3 where we are when it comes to 30(b)(6) 4 depositions based on our documents. 5 Going back to the issue of timing, 6 it's the past that is at issue when it comes 7 to rebate payments. When it comes to the 8 amounts of rebates that have been kept, that's 9 a client-specific issue which depended on the 10 sampling, and we're going through that. So I 11 think we will go through that in the next 12 couple of weeks hopefully and get to a 13 resolution there, and you'll have the 14 contracts and then we can talk about what 15 summary documents exist per client, but there 16 will be no way to reconcile rebates that have 17 been retained versus not retained based on 18 individual drugs. That's just not the way 19 it's done. So that doesn't exist. And it's 20 not even about making documents that don't 21 exist. It's just not calculated that way. 22 It's not an accounting function that is done 23 by the client. 24 SPECIAL MASTER COHEN: I'm hearing 25 things just being repeated, so I think that</p>
<p style="text-align: right;">Page 55</p> <p>1 the last ten years worth of national sales 2 fees paid by Purdue? 3 MS. VIEIRA: That's not what I 4 said, Paul. 5 MR. FARRELL: If it's available, 6 if you've produced all of your invoices from 7 Purdue Pharma to ESI for the past decade, we 8 should be in a position to take a 30(b)(6) now 9 on at least ten years worth of national fees 10 from Purdue. 11 MS. VIEIRA: That's up to you 12 because we talked about this, and Special 13 Master Cohen is not going to let you reopen 14 the deposition when you get the rest of the 15 discovery that's coming by December whatever 16 date it is that we have all agreed to, right. 17 So that's where we're at. We're collecting 18 and producing a bunch of documents, and if 19 more documents come in that affect those 20 numbers, that affect that information, and 21 you've taken the deposition, then our position 22 will be the deposition is closed, right. 23 Because of the request, and as broad as 24 they've been, and your request that we just 25 follow this information, run search terms</p>	<p style="text-align: right;">Page 57</p> <p>1 that completes the amount of conversation that 2 is appropriate for this agenda item. 3 I think that's the end of the 4 agenda, except that I also received an e-mail 5 this morning, which I had about three minutes 6 of time to look at. I've been in other 7 meetings before this call. So I don't feel 8 prepared at all to discuss it, which doesn't 9 mean we can't begin to. I may need to set it 10 aside and come back to it with you all, but it 11 sounds like there's some issues floating 12 around surrounding the 30(b)(6) in Webb County 13 still. 14 MR. ACKERMAN: I don't know that 15 there are, Special Master Cohen. There was an 16 amended notice that was sent out last night. 17 It had a topic 22. The Defendants have now 18 withdrawn that topic 22, so I don't think 19 that's an issue. We obviously take issue with 20 the characterization that they put in their 21 e-mail to you last night. But the witness 22 will be prepared -- that's why James and I are 23 here -- will be prepared to answer all 24 questions. We don't think there's anything 25 amounting to spoliation of documents and, you</p>

<p style="text-align: right;">Page 58</p> <p>1 know, that deposition will go forward on  2 Thursday. I don't know that there's anything  3 else to discuss.  4 MR. KING: Special Master Cohen,  5 Patrick King on behalf of Express Scripts.  6 Counsel is right. We are tracking  7 for the deposition to take place this  8 Thursday. The amended notice we sent out, we  9 just accidentally carried forward a topic that  10 had previously been agreed to, so no issue  11 there.  12 The main reason we had this on the  13 agenda was just as a status update for the  14 disclosure that we received on Friday from the  15 Plaintiffs, which related to issues of  16 availability of e-mail, non-e-mail ESI, and  17 then disposition and retention of hard copy  18 documents. As outlined in what we sent  19 yesterday, we learned for the first time on  20 Friday that the -- by the county's own  21 admission, they destroyed at least 31 boxes of  22 hard copy documents. They've put in their  23 letter some explanations as to why they think  24 there are suitable replacements. I don't know  25 how to gauge that. We'll ask the 30(b)(6)</p>	<p style="text-align: right;">Page 60</p> <p>1 coming very late in the game. But I don't  2 think there's anything we're requesting, at  3 least on behalf of the PBM Defendants, to be  4 resolved today.  5 SPECIAL MASTER COHEN: I  6 appreciate being sensitized to that issue, and  7 it sounds like it's going to be addressed  8 during the deposition. There's nothing I need  9 to rule on.  10 MR. ACKERMAN: I think that's  11 correct, Special Master Cohen. The documents  12 were backed up electronically. We'll go  13 through all this in the deposition. I don't  14 know that there was any need to claim to make  15 this type of argument before you. I think  16 it's hyperbolic and unnecessary.  17 SPECIAL MASTER COHEN: Let me ask  18 you about -- we can skip past all of that.  19 What about Thursday? It sounds like maybe I  20 should be available. I'm looking at my  21 Thursday. I'm not saying I should be, you  22 know, on the Zoom watching every minute of it,  23 but it sounds like maybe I should make sure  24 that I'm available by phone. But I can tell  25 you that between 10 and, roughly, noon I'm out</p>
<p style="text-align: right;">Page 59</p> <p>1 witness about some of this. But we are  2 learning about this information for the very  3 first time.  4 SPECIAL MASTER COHEN: Was the  5 destruction of documents that you're alleging  6 something that occurred after suit was filed?  7 MR. KING: It was. The issue  8 relates to there are certain regulations in  9 the state of Texas that describe how long  10 certain categories of documents need to be  11 retained.  12 On August 30th we asked the County  13 whether they maintain disposition logs  14 pursuant to those regulations. And on Friday,  15 for the first time, we received copies of at  16 least some of those disposition logs. They  17 record the destruction of several hundred  18 documents -- I'm sorry, several hundred boxes  19 of documents. The Plaintiffs have admitted  20 that 31 of those at least are relevant, and  21 while we're still processing this information,  22 it appears that there are potentially relevant  23 documents, and at least a hundred, if not  24 more, documents. So this is something we'll  25 obviously explore with the 30(b)(6). It's</p>	<p style="text-align: right;">Page 61</p> <p>1 of the box. I also have a 3:00 Zoom. So I'm  2 just letting you know. I'll try and make  3 myself as available as I can, except that I'm  4 definitely not available between 10 and 11:30  5 and closer to noon Eastern on this Thursday,  6 and I do have a 3:00 Zoom, but if you call me,  7 I can probably get away from that.  8 MR. ACKERMAN: Well, hopefully  9 we'll handle the easy stuff during those times  10 and won't need to call you at all.  11 SPECIAL MASTER COHEN: Hopefully.  12 Okay.  13 Is there anything else anybody  14 wants to bring up or that we should discuss  15 during the call?  16 MR. BADALA: Special Master Cohen,  17 this is Salvatore Badala for the Plaintiff.  18 We are going to need your  19 intervention on the police records. If you  20 recall, we discussed this at one of our  21 previous discovery conferences where we  22 offered a sampling. Then we had a dispute  23 about the sampling. The Plaintiff then  24 decided to resolve this issue, we would pull  25 everything from the LERMS database related to</p>

<p style="text-align: right;">Page 62</p> <p>1 those 20,000 cases in that spreadsheet, that a 2 sampling wouldn't be needed. 3 The issue we're at right now is 4 we're pulling that. Our proposal or our issue 5 is because the information is so sensitive, 6 and because of the mass of documents that are 7 being pulled from that database, we proposed 8 having a designation specific to those 9 documents, like an attorneys' eyes only, 10 highly confidential. That would get the 11 Defendants the documents quickly. As I've 12 told you, they said these documents are very 13 important to them, it's very important to 14 their defenses, they're most important 15 documents. So our proposal was to get them to 16 them quickly without having to redact 17 potential information, we do a designation 18 like an attorneys' eyes only, highly 19 confidential. And then if we were at a 20 deposition and there was a document that they 21 were using -- and we're not telling them we 22 need a heads-up of what documents they would 23 use at a deposition. If there was a document 24 that was used and say there was information 25 about a confidential informant, a victim, that</p>	<p style="text-align: right;">Page 64</p> <p>1 we've been requesting for a long period of 2 time, they are important for our defenses; 3 that we have worked together and the city has 4 made two -- two developments since our last 5 hearing. 6 One is that it can and will pull 7 the documents, and the second is that the 8 catch is that it wants us to agree to global 9 designation. As you know, that's contrary to 10 the Court's protective order, the 6th 11 Circuit's decisions in the MDL regarding mass 12 designation, and it also causes some potential 13 problems here by shifting the burden to us. 14 So what we had told Plaintiffs' 15 counsel is that we're sensitive to the fact 16 that some of these documents may contain 17 confidential informant information, and we're 18 not interested in that information. We don't 19 have any objection to the city designating 20 these documents however it thinks it has a 21 good faith basis to do. As it relates to 22 confidential informant information, they can 23 redact that information, the specific page 24 that includes it. They can designate it AEO. 25 If something comes across where they say, hey,</p>
<p style="text-align: right;">Page 63</p> <p>1 we could redact -- it would be after that 2 deposition just to make sure it didn't make it 3 into the record or on a docket and became 4 public. 5 The Defendants say no, you can't 6 just do a global designation like that for the 7 documents. We want you to look at all the 8 documents. You can make the redactions as you 9 go ahead, but we want you to review each of 10 them. We've obviously argued burden, but we 11 want to get them these documents. We think 12 this is the best way, the quickest way to get 13 them to them. That was our proposal. But we 14 are now at an impasse. I'll let Mr. Smyer 15 maybe talk about it, but our belief is that we 16 are at an impasse on this issue. 17 MR. SMYER: Special Master Cohen, 18 this is Brad Smyer with Optum. 19 What I just heard from counsel is 20 slightly different than what we had last 21 heard, which was that they wouldn't require us 22 to show in advance documents prior to using 23 them. But the core issue for us is that we 24 are sensitive to the fact -- to a couple facts 25 here; that these are important documents that</p>	<p style="text-align: right;">Page 65</p> <p>1 we didn't designate this or redact this, we're 2 happy to work with them. The issue is that 3 all those processes that I just outlined are 4 developed and in the protective order already, 5 so what the city is asking is that then we 6 be -- the Defendants take the burden of the 7 protective order, the designation, as opposed 8 to following the same course that's been 9 outlined here, and that's, frankly, what's 10 untenable. 11 MR. BADALA: Special Master Cohen, 12 I just want to add it's not unusual. I 13 believe it is in CT1 where we had the medical 14 examiner files and there were designations 15 used for that because of the information. 16 It's not just confidential informants. Here 17 we have victims. We have police tactics that 18 are used. These are highly sensitive 19 documents. And we're trying to get them to 20 the Defendants quickly so they have this 21 information. They've told you it's very 22 important to them, they need those documents. 23 The way we're proposing is the quickest way 24 and easiest way to get them to them. 25 And I don't understand the burden</p>



<p style="text-align: right;">Page 66</p> <p>1 side of it. We all know if we go to trial, 2 documents that are used at trial become 3 public, and that's something we'll have to 4 deal with. And we've dealt with that on both 5 sides, even with summary judgment motions. 6 There's been documents that have been used in 7 expert reports or summary judgment motions 8 that designations were then removed by both 9 sides and then those documents were filed 10 publicly. 11 So we're not saying we wouldn't 12 deal with those issues as they come up. What 13 we're saying right now is we want to get these 14 documents to them. We think a designation 15 like an attorneys' eyes only, highly 16 confidential would be the best way because of 17 how sensitive this information is within those 18 documents. 19 MR. SMYER: I have two follow-up 20 points for you, Special Master Cohen, on the 21 burden piece. 22 The first is we don't know what 23 these documents contain. We haven't seen 24 them. We know that some records are probably 25 public records. So we're adding an additional</p>	<p style="text-align: right;">Page 68</p> <p>1 I'm still not understanding the 2 burden argument. They're going to use these 3 documents in a deposition. We did not say you 4 cannot use them. To the extent it has a 5 confidential informant's name or something 6 that needs to be redacted, it would be done 7 after the fact. We're not saying send us 8 those documents ahead of time. We're not 9 doing anything like that. Our purpose here is 10 to get the documents to them. We think it's 11 the most efficient way. To have to go through 12 each of them would take a very long time. 13 Here we're saying we want to get these to you 14 quickly. And we started that process. And if 15 you recall, this has been going on for some 16 time because we first proposed the sampling. 17 They said they would do the sampling. They 18 asked us for examples. We sent them to them. 19 And then they claimed they didn't review them 20 because they had handwriting on them. Then we 21 came back and talked about sampling again. So 22 we said, hey, we're going to put the sampling 23 aside. In exchange, we're going to do the 24 LERMS database. We're going to get you these 25 documents. But this is the one hurdle we have</p>
<p style="text-align: right;">Page 67</p> <p>1 layer for an entire sloth based on speculation 2 that some of those documents may contain 3 information that the Plaintiff does not want 4 to go through -- have the time to go through 5 to redact. That's essentially what happens. 6 And the other piece here is let's 7 say they're designated as AEO and we want to 8 use them in a deposition. Then we have all 9 the additional hurdles about asking about 10 AEO-designated documents to somebody who may 11 or may not have seen that in the first place 12 and our ability to use the documents to 13 present our defenses is cut out from the 14 beginning because the Plaintiffs don't want to 15 review the documents. 16 So that's why we're saying it's 17 now fair to say that we're saying these should 18 be public records or confidential informant 19 information. We don't want that. We don't 20 care about that. But what we do want is the 21 ability to present our case and to use the 22 information in a way that doesn't completely 23 saddle us with the Plaintiffs' burden. 24 MR. BADALA: Special Master Cohen, 25 just a brief response to that.</p>	<p style="text-align: right;">Page 69</p> <p>1 to overcome so we can get these documents to 2 them and get them to them quickly. 3 SPECIAL MASTER COHEN: I've gotten 4 the parties' positions. I need to chew on 5 this a little bit. I think I may even want to 6 talk about it with the judge. But so that I 7 understand exactly what you're suggesting, 8 Sal, if you have any language, you know, an 9 amendment, if you want to call it, or a caveat 10 to the protective order that would apply in 11 this circumstance of these documents, what 12 that would look like, that would help me. 13 MR. BADALA: We'll do that, 14 Special Master Cohen. Thank you. 15 SPECIAL MASTER COHEN: Thank you. 16 Anything else anybody else has? 17 MR. FARRELL: I have one more 18 issue I don't know how to address. I'm not 19 asking for any resolution. I don't want 20 anybody to flip out. The New York Times sent 21 a FOIA request and we're having to internally 22 deal with it. The position is that the 23 documents that are referenced in the 24 complaint, they want, and internal documents 25 themselves are subject to a protective order.</p>

<p style="text-align: right;">Page 70</p> <p>1 There's a process in place. I'm not quite  2 sure how next to go about this, other than to  3 file a motion with the Court identifying for  4 the Court that there's a FOIA request that's  5 for documents that are referenced, quoted and  6 cited in the complaint. I think it spills  7 over into a larger issue that we believe  8 there's been a widespread over-designation of  9 confidentiality. So it's another pending case  10 that will be on the horizon in the next six  11 weeks or so.  12 SPECIAL MASTER COHEN: Thank you  13 again for the heads-up, and that is probably  14 something -- we've addressed this kind of  15 issue before and it involved a fairly in-depth  16 motion practice. So I'm glad you told us.  17 MR. WEINBERGER: Can we calendar a  18 follow-up conference with you?  19 SPECIAL MASTER COHEN: Yes.  20 MR. FARRELL: That's all the PEC  21 has. Thank you, David.  22 SPECIAL MASTER COHEN: Thank you.  23 What do you all think of November  24 4th? It's a little over two weeks and it's on  25 the other side of the weekend that I am</p>	<p style="text-align: right;">Page 72</p> <p>1  2 CERTIFICATE  3  4  5 I, Renee L. Pellegrino, RPR, do  6 hereby certify that as such Reporter I took  7 down in Stenotypy all of the proceedings had  8 in the foregoing transcript; that I have  9 transcribed my said stenotype notes to the  10 best of my ability into typewritten form as  11 appears in the foregoing transcript; that said  12 transcript is the complete form of the  13 proceedings had in said cause and constitutes  14 a true and correct transcript therein.  15  16  17  18  19   20 Renee L. Pellegrino,  21 Notary Public, within and for the  22 State of Ohio  23  24 My commission expires October 12, 2025.  25</p>
<p style="text-align: right;">Page 71</p> <p>1 traveling.  2 MR. WEINBERGER: October 4th?  3 SPECIAL MASTER COHEN: Wait a  4 minute. I'm sorry. I have the wrong month.  5 Let me start over.  6 MS. FITZPATRICK: Coincidentally,  7 October 4th is two weeks from today.  8 SPECIAL MASTER COHEN: Well, no.  9 October 1st is.  10 MS. FITZPATRICK: Excuse me. Two  11 weeks from Friday.  12 SPECIAL MASTER COHEN: October 4th  13 I'm traveling. It's the high holiday. Rosh  14 Hashanah is on the 2nd. So I think I'm  15 suggesting October 8th.  16 MR. WEINBERGER: I think that  17 works. Thank you.  18 SPECIAL MASTER COHEN: Everybody  19 good with that?  20 MS. FITZPATRICK: What time?  21 SPECIAL MASTER COHEN: Let's set  22 it for 9:30. I have an 11:00. And we'll use  23 the same Zoom.  24  25 (Hearing concluded at 12:21 p.m.)</p>	



**[10 - admission]**

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[zoom - zoom]

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